

Message Text

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PAGE 01 PARIS 19689 202116Z
ACTION L-03

INFO OCT-01 EUR-12 CA-01 ISO-00 JUSE-00 PPTE-00 /017 W
-----005797 210506Z /10

R 202052Z JUN 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 3583

UNCLAS PARIS 19689

E.O. 11652: N/A
TAGS: CGEN, FR
SUBJ: EXTRADITION -- GEORGE BROWN ET AL

REF: (A) PARIS 19171, (B) PARIS 10434, (C) 77 PARIS
33324

1. FAVORABLE EXTRADITION OPINION REPORTED REFTEL A WAS
SIGNIFICANT COMING AFTER FRENCH REFUSALS TO EXTRADITE
HOLDER AND KERKOW IN 1975 AND BROWN ET AL IN 1976 ON
BASIS THEIR RESPECTIVE HIJACKINGS WERE POLITICALLY
MOTIVATED.

2. FAVORABLE OPINION DOUBLY NOTEWORTHY BECAUSE IT WAS
RENDERED IN FACE OF VIRTUALLY SAME POLITICAL ARGUMENTS
(76 PARIS 31489) DEFENSE ATTORNEYS HAD PRESENTED IN
OCTOBER 1976 TO WIN NEGATIVE OPINION ON U.S. EXTRADITION
REQUEST FOR BROWN ET AL FOR HIJACKING. AT MAY 3 HEARING
BEFORE CHAMBRE, DEFENSE ATTORNEYS DE FELICE (ROUGHLY
THE WILLIAM KUNSTLER OF FRANCE) AND TWO COLLEAGUES
REPEATED THEIR VIRULENT ATTACKS ON USA, ALLEGING U.S.
GOVERNMENT WANTED BROWN FOR REPRISAL PURPOSES, THAT
BEING BORN BLACK IN AMERICA WAS POLITICAL COMMITMENT
BY DEFINITION, THAT U.S. POLITICAL SYSTEM WAS RESPONSIBLE
FOR PRODUCING MEN LIKE BROWN. ATTORNEYS EVEN WENT
SO FAR AS TO SUGGEST THAT IF BROWN WERE TRIED IN FRANCE
FOR HIJACKING AND THEN EXTRADITED TO USA TO SERVE
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BALANCE OF SENTENCE, THAT US GOVERNMENT WOULD VIOLATE
EXTRADITION TREATY TERMS AND PROSECUTE BRON FOR
HIJACKING (PRESIDENT OF CHAMBRE INTERRUPTED DEFENSE
AT THIS POINT TO REJECT FLATLY THIS LATTER ARGUMENT).
AT CONCLUSION OF MAY 3 HEARING, CHAMBRE ALLOWED BROWN TO
READ PERSONAL STATEMENT IN FRENCH INTO RECORD TO EFFECT
THAT IF RETURNED TO USA, HE WOULD SPEND REST OF LIFE IN

PRISON AND WAS RISKING DEATH. BROWN ASKED TO BE ALLOWED TO REMAIN IN FRANCE WHERE HE WOULD NOT SUFFER.

3. IN RENDERING FAVORABLE OPINION, CHAMBRE FOUND DEFENSE ARGUMENT (THAT US HAD REQUESTED BROWN EXTRA-DITION FOR RETURN TO PRISON, AS WELL AS FOR HIJACKING, FOR POLITICAL PURPOSES, I.E., REPRISALS) WAS "TOTALLY WITHOUT VALIDITY AND MUST BE REJECTED." TO SUBSTANTIATE ARGUMENT, BROWN ALLEGED HE ENGAGED IN CLANDESTINE POLITICAL ACTIVITY IN FAVOR OF BLACK AMERICANS AND HE CITED STRESS INCIDENT IN DETROIT AS EXAMPLE OF POLITICAL PERSECUTION OF BLACKS. COURT, HOWEVER, ACCEPTED ENTIRETY OF EMBASSY'S NOTE OF JANUARY 16, 1978 (LINE OF ARGUMENTATION PROPOSED BY PARIS IN REFTEL C AND APPROVED BY JUSTICE AND STATE) AND QUOTED EXTENSIVELY FROM NOTE IN ITS DECREE. ESSENCE OF NOTE WAS THAT TIMING OF STRESS INCIDENT (JANUARY 1972) MADE IT LOGICALLY IMPOSSIBLE FOR BROWN TO USE STRESS INCIDENT TO ATTRIBUTE POLITICAL SIGNIFICANCE TO ARMED ROBBERY AND PRISON BREAK WHICH HAD OCCURRED MUCH EARLIER. HERE CHAMBRE FOUND THAT BROWN HAD TRAPPED HIMSELF BY HIS ADMISSION TO COURT THAT IT WAS ONLY AFTER HIS ARREST IN JUNE 1967 FOR ARMED ROBBERY THAT HE HAD BEGUN TO STUDY POLITICAL AND ECONOMIC CONDITIONS OF AMERICAN BLACKS. COURT ALSO NOTED THAT WHILE DEFENSE HAD ATTRIBUTED POLITICAL COLORATION TO EVERYTHING THAT HAPPENS TO A BLACK FROM UNCLASSIFIED

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HIS BIRTH, DEFENSE HAD FELT CONSTRAINED TO ADD THAT "THIS DOES NOT MEAN TO SAY THAT A BLACK CAN COMMIT ANY (CRIMINAL) ACT WHATSOEVER."

4. ADMITTEDLY RETURN TO PRISON LESS IMPORTANT QUESTION THAN HIJACKING, BUT CLEARNESS AND FIRMNESS OF DECREE ISSUED BY PRESENT CHAMBRE (DIFFERENT PRESIDENT AND TWO NEW JUDGES) CONTRASTS SHARPLY WITH CASUISTIC DECREES ISSUED BY PREVIOUS PANEL WHICH REJECTED TWO US REQUESTS FOR EXTRADITION FOR HIJACKINGS. SERIES OF TERRORISM INCIDENTS IN EUROPE AND ELSEWHERE DURING PAST YEAR MAY WELL HAVE INFLUENCED JUDGES TO TAKE HARDER LOOK AT DEFENSE'S POLITICAL MOTIVATION ARGUMENTS. HARTMAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PARIS19689
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780257-1123
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780640/aaaabikg.tel
Line Count: 108
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 07af4685-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 PARIS 19171, 78 PARIS 10434
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2284236
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION -- GEORGE BROWN ET AL
TAGS: CGEN, FR
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/07af4685-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014